

113TH CONGRESS
1ST SESSION

H. R. 3124

To amend part E of title IV of the Social Security Act to extend the adoption incentive payments program to incentive payments for foster child exits to reunification, adoption, and guardianship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2013

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part E of title IV of the Social Security Act to extend the adoption incentive payments program to incentive payments for foster child exits to reunification, adoption, and guardianship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investing in Perma-
5 nency for Youth in Foster Care Act”.

1 **SEC. 2. EXTEND THE ADOPTION INCENTIVE PAYMENT PRO-**
2 **GRAM TO INCENTIVE PAYMENTS FOR FOS-**
3 **TER CHILD EXITS TO REUNIFICATION, ADOP-**
4 **TION, AND GUARDIANSHIP.**

5 (a) IN GENERAL.—Section 473A of the Social Secu-
6 rity Act (42 U.S.C. 673b) is amended—

7 (1) in the section heading, by striking “**ADOP-**
8 **TION**” and inserting “**PERMANENCY**”;

9 (2) in subsection (a), by striking “adoption”
10 and inserting “permanency”;

11 (3) in subsection (b)—

12 (A) by striking paragraph (2);

13 (B) in paragraph (5), by striking “2008
14 through 2012” and inserting “2013 through
15 2017”; and

16 (C) by redesignating paragraphs (3)
17 through (5) as paragraphs (2) through (4), re-
18 spectively;

19 (4) in subsection (c)—

20 (A) by striking paragraphs (1) and (2) and
21 inserting the following:

22 “(1) IN GENERAL.—A State is in compliance
23 with this subsection for a particular fiscal year if the
24 State has provided to the Secretary the data de-
25 scribed in paragraph (2) for fiscal year 2010 and

1 each succeeding fiscal year through the fiscal year
2 second preceding the particular fiscal year.

3 “(2) DETERMINATION OF NUMBERS OF EXITS
4 BASED ON AFCARS DATA.—The Secretary shall de-
5 termine the numbers of exits to reunification, adop-
6 tion, and guardianship in a State during a fiscal
7 year, on the basis of data meeting the requirements
8 of the system established pursuant to section 479, as
9 reported by the State and approved by the Secretary
10 by August 1 of the succeeding fiscal year.”; and

11 (B) by adding at the end the following:

12 “(4) ANNUAL REPORTS TO THE SECRETARY.—
13 Beginning 24 months after the effective date of this
14 paragraph, each State to which a payment is made
15 under this section for a fiscal year shall submit to
16 the Secretary and shall make available to the public
17 annual reports on the amount of the payment that
18 is attributable to exits to reunification, the amount
19 that is attributable to exits to adoption, and the
20 amount that is attributable to exits to guardianship,
21 and a breakdown of how the State used the total
22 payment to improve or expand the provision of post-
23 permanency services in the State.”;

24 (5) by striking subsection (d) and inserting the
25 following:

1 “(d) PERMANENCY INCENTIVE PAYMENT.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), the permanency incentive payment pay-
4 able to a State for a fiscal year under this section
5 shall be equal to the sum of—

6 “(A) \$2,000, multiplied by the sum of—

7 “(i) the amount (if any) by which the
8 number of exits to adoption in the State
9 during the fiscal year exceeds the projected
10 number of exits to adoption in the State
11 for the fiscal year;

12 “(ii) the amount (if any) by which the
13 number of exits to guardianship in the
14 State during the fiscal year exceeds the
15 projected number of exits to guardianship
16 in the State for the fiscal year; and

17 “(iii) the amount (if any) by which
18 the number of exits to reunification in the
19 State during the fiscal year exceeds the
20 projected number of exits to reunification
21 in the State for the fiscal year;

22 “(B) \$8,000, multiplied by the sum of—

23 “(i) the amount (if any) by which the
24 number of exits to adoption of older chil-
25 dren in the State during the fiscal year ex-

1 ceeds the number of exits to adoption of
2 older children in the State for the base fis-
3 cal year;

4 “(ii) the amount (if any) by which the
5 number of exits to guardianship of older
6 children in the State during the fiscal year
7 exceeds the number of exits to guardian-
8 ship of older children in the State for the
9 base fiscal year; and

10 “(iii) the amount (if any) by which
11 the number of exits to reunification of
12 older children in the State during the fiscal
13 year exceeds the number of exits to reunifi-
14 cation of older children in the State for the
15 base fiscal year;

16 “(C) \$6,000, multiplied by the sum of—

17 “(i) the amount (if any) by which the
18 number of exits to adoption of pre-adoles-
19 cent children in the State during the fiscal
20 year exceeds the number of exits to adop-
21 tion of pre-adolescent children in the State
22 for the base fiscal year;

23 “(ii) the amount (if any) by which the
24 number of exits to guardianship of pre-ad-
25 olescent children in the State during the

1 fiscal year exceeds the number of exits to
2 guardianship of pre-adolescent children in
3 the State for the base fiscal year; and

4 “(iii) the amount (if any) by which
5 the number of exits to reunification of pre-
6 adolescent children in the State during the
7 fiscal year exceeds the number of exits to
8 reunification of pre-adolescent children in
9 the State for the base fiscal year; and

10 “(D) \$4,000, multiplied by the amount (if
11 any) by which the number of special needs
12 adoptions of young children in the State during
13 the fiscal year exceeds the number of special
14 needs adoptions of young children in the State
15 for the base fiscal year.

16 “(2) PRO RATA ADJUSTMENT IF INSUFFICIENT
17 FUNDS AVAILABLE.—For any fiscal year, if the total
18 amount of permanency incentive payments otherwise
19 payable under this section for a fiscal year exceeds
20 the amount appropriated pursuant to subsection (h)
21 for the fiscal year, the amount of the permanency
22 incentive payment payable to each State under this
23 section for the fiscal year shall be—

24 “(A) the amount of the permanency incen-
25 tive payment that would otherwise be payable to

1 the State under this section for the fiscal year;
2 multiplied by

3 “(B) the percentage represented by the
4 amount so appropriated for the fiscal year, di-
5 vided by the total amount of permanency incen-
6 tive payments otherwise payable under this sec-
7 tion for the fiscal year.”;

8 (6) in subsection (f), by striking “any service
9 (including post-adoption services) that may be pro-
10 vided under part B or E.” and inserting “post-per-
11 manency services to help ensure that children re-
12 main with the families with whom they have been re-
13 unified, adopted, or placed for guardianship, and a
14 State shall not use the amount to supplant other
15 funds being used for the services.”;

16 (7) by striking subsection (g) and inserting the
17 following:

18 “(g) DEFINITIONS.—In this section:

19 “(1) ADOPTION.—The term ‘adoption’ means
20 the final adoption of a child who, at the time of
21 adoptive placement, was in foster care under the su-
22 pervision of the State.

23 “(2) BASE FISCAL YEAR.—The term ‘base fiscal
24 year’ means fiscal year 2012.

1 “(3) EXIT TO REUNIFICATION.—The term ‘exit
2 to reunification’ means, with respect to a State and
3 a fiscal year, the permanent reunification of a child
4 who was in foster care under the responsibility of
5 the State for a period of at least 90 consecutive days
6 in the fiscal year, excluding any such placement of
7 children who returned to foster care in the fiscal
8 year.

9 “(4) FOSTER CHILDREN.—The term ‘foster
10 children’ means, with respect to a State and a fiscal
11 year, children in foster care under the responsibility
12 of the State for a period of at least 90 consecutive
13 days in the fiscal year.

14 “(5) GUARDIANSHIP.—The term ‘guardianship’
15 means the placement with a relative guardian of a
16 child with respect to whom—

17 “(A) a payment is made under section
18 474(a)(5); or

19 “(B) a payment is made using only State
20 or local guardianship assistance funds, and the
21 case plan for the child documents the steps that
22 the agency has taken to determine that it is not
23 appropriate for the child to be returned home
24 or adopted.

1 “(6) OLDER CHILDREN.—The term ‘older chil-
2 dren’ means children who have attained 14 years of
3 age.

4 “(7) ADOPTION PLACEMENT RATE.—The term
5 ‘adoption placement rate’ means, with respect to a
6 State and a fiscal year—

7 “(A) the total number of exits to adoption
8 in the State during the fiscal year; divided by
9 “(B) the number of children in foster care
10 under the responsibility of the State on the last
11 day of the preceding fiscal year.

12 “(8) GUARDIANSHIP PLACEMENT RATE.—The
13 term ‘guardianship placement rate’ means, with re-
14 spect to a State and a fiscal year—

15 “(A) the total number of exits to guardian-
16 ship in the State during the fiscal year; divided
17 by

18 “(B) the number of children in foster care
19 under the responsibility of the State on the last
20 day of the preceding fiscal year.

21 “(9) REUNIFICATION PLACEMENT RATE.—The
22 term ‘reunification placement rate’ means, with re-
23 spect to a State and a fiscal year—

1 “(A) the total number of exits to reunification
2 in the State during the fiscal year; divided
3 by

4 “(B) the number of foster children with respect to the State for the fiscal year.

5 “(10) POST-PERMANENCY SERVICES.—The
6 term ‘post-permanency services’ means the services
7 needed once children and youth have been reunified,
8 adopted, or placed with guardians to stabilize and
9 support the child and family, including—

10 “(A) financial support;

11 “(B) case management;

12 “(C) connections with community services;

13 “(D) individual, group and family counseling and other mental health services;

14 “(E) respite care; and

15 “(F) training of public and private child welfare staff on delivering post-permanency services.

16 “(11) PRE-ADOLESCENT CHILDREN.—The term
17 ‘pre-adolescent children’ means children who have
18 attained 9 years of age but have not attained 14
19 years of age.

20 “(12) PROJECTED NUMBER OF EXITS TO ADOPTION.—The term ‘projected number of exits to adop-

1 tion' means, with respect to a State and a fiscal
2 year—

3 “(A) the number of children in foster care
4 under the responsibility of the State as of the
5 last day of the preceding fiscal year; multiplied
6 by

7 “(B) the average of the adoption place-
8 ment rates for the State for the 3 fiscal years
9 most recently preceding the fiscal year referred
10 to in subparagraph (A).

11 “(13) PROJECTED NUMBER OF EXITS TO
12 GUARDIANSHIP.—The term ‘projected number of
13 exits to guardianship’ means, with respect to a State
14 and a fiscal year—

15 “(A) the number of children in foster care
16 under the responsibility of the State as of the
17 last day of the preceding fiscal year; multiplied
18 by

19 “(B) the average of the guardianship
20 placement rates for the State for the 3 fiscal
21 years most recently preceding the fiscal year re-
22 ferred to in subparagraph (A).

23 “(14) PROJECTED NUMBER OF EXITS TO RE-
24 UNIFICATION.—The term ‘projected number of exits

1 to reunification' means, with respect to a State and
2 a fiscal year—

3 “(A) the number of foster children with re-
4 spect to the State for the fiscal year; multiplied
5 by

6 “(B) the average of the reunification place-
7 ment rates for the State for the 3 fiscal years
8 most recently preceding the fiscal year referred
9 to in subparagraph (A).

10 “(15) REUNIFICATION.—The term ‘reunifica-
11 tion’ means an exit from foster care to a relative
12 with whom the child was living before the placement
13 into foster care or to another relative.

14 “(16) SPECIAL NEEDS ADOPTION.—The term
15 ‘special needs adoption’ means the final adoption of
16 a child—

17 “(A) who has special needs (as defined by
18 the State); or

19 “(B) for whom an adoption assistance
20 agreement is in effect under section 473.

21 “(17) YOUNG CHILDREN.—The term ‘young
22 children’ means children who have not attained 9
23 years of age.”;

24 (8) in subsection (h)(1)—

1 (A) by striking “and” at the end of sub-
2 paragraph (C);

3 (B) by striking the period at the end of
4 subparagraph (D) and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(E) \$60,000,000 for each of fiscal years
7 2014 through 2018.”; and

8 (9) in subsection (i)—

9 (A) by striking paragraphs (1) through (3)
10 and inserting the following:

11 “(1) IN GENERAL.—The Secretary may, di-
12 rectly or through grants or contracts, provide tech-
13 nical assistance to assist States and local commu-
14 nities to reach their targets for increased numbers of
15 exits to adoption, guardianship, and reunification.

16 “(2) DESCRIPTION OF THE CHARACTER OF THE
17 TECHNICAL ASSISTANCE.—The technical assistance
18 provided under paragraph (1) shall support the goal
19 of encouraging more permanent exits of children
20 from foster care, and may include the following:

21 “(A) Models that encourage child-specific
22 and child-focused efforts to recruit permanent
23 families for children.

24 “(B) Models that encourage the use of in-
25 tensive family-finding efforts.

1 “(C) Models to encourage the use of con-
2 current planning.

3 “(D) The development of permanency
4 units and specialized expertise to help move
5 children promptly to permanency goals.

6 “(E) The development of assessment tools
7 to facilitate appropriate reunification or other
8 permanency options.

9 “(F) The development of best practice
10 guidelines for expediting permanency for chil-
11 dren and, where, appropriate, termination of
12 parental rights.

13 “(G) Development of programs that place
14 children into pre-adoptive families while termi-
15 nation of parental rights is being pursued.

16 “(H) Models to encourage the fast track-
17 ing of children who have not attained 1 year of
18 age and cannot be reunified, into permanent
19 adoptive or guardianship families.

20 “(I) Models that require ongoing con-
21 sulting with children who have attained 9 years
22 of age about their permanency goal, including
23 asking the children and youth about any adults
24 who may serve as permanent parents through
25 adoptions or guardianship.

1 “(J) Development of strategies designed to
2 promote the use by a State of the guardianship
3 assistance program under this part.”; and

4 (B) in paragraph (4)—
5 (i) by striking “(4)” and inserting
6 “(3)”; and
7 (ii) by striking “2004 through 2006”
8 and inserting “2014 through 2018”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on October 1, 2013.

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